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Paper 1
DECLARED 13 June 2008

UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference No. 105,641 (RT)
(From Technology Center 1600)

NATIONAL JEWISH MEDICAL
AND RESEARCH CENTER
(09/809,753),
Junior Party,

v.

UNIVERSITÉ DE SHERBROOKE
(6,743,429),
Senior Party.

DECLARATION - BD.R. 203(b)¹

By TORCZON, *Administrative Patent Judge*.

A. DECLARATION OF INTERFERENCE

An interference is declared pursuant to 35 U.S.C. 135(a). Details of the application, patent, count, and claims designated as corresponding to the count appear under headings E and F.

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

B. DESIGNATION TO MANAGE

Administrative Patent Judge Richard Torczon has been designated to manage the interference. Bd. R. 104(a).

C. STANDING ORDER

A copy of the Standing Order (SO, Paper 2) accompanies this declaration. The Standing Order applies to this contested case.

D. CONFERENCE CALL TO SET DATES

A telephone conference call to set dates for action in this contested case is scheduled for 3 p.m. (Eastern) on 6 August 2008. (The Board will initiate the call.)

No later than 4 August 2008, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the Standing Order. The parties are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. A party requesting more or less time should be prepared to justify the request.²

² In view of the co-pending litigation in this case, and the representation that much of the discovery has already been done, it may make sense to curtail this period sharply.

E. THE PARTIES TO THIS INTERFERENCE

Junior Party

Application: 09/809,753, filed 14 March 2001

Title: Method for reducing allergen-induced airway
hyperresponsiveness

Inventors: Erwin W. Gelfand of Englewood and Azzeddine
Dakhama of Denver, both of Colorado

Senior Party

Application: 6,743,429, issued 1 June 2004

Title: Use of calcitonin gene-related peptide in the prevention
and alleviation of asthma and related bronchospastic
pulmonary diseases

Inventor: Alain Cadieux of Rock Forest, Quebec, Canada

F. COUNTS AND CLAIMS OF THE PARTIES

Count 1

The method of 09/809,753 claim 1 or of 6,743,429 claim 1.

The claims of the parties are:

Center: 1, 3-10, 12-14, 20-26, 29, 30, 43, 44, and 46

University: 1-13

The claims corresponding to Count 1:

Center: all

University: all

The benefit accorded for Count 1:

Center: 09/475,072, filed 30 December 1999

CA 2,292,902, filed 24 December 1999

University: 09/809,753, filed 14 March 2001

60/189,622, filed 14 March 2000

G. HEADING TO BE USED ON PAPERS;
EXHIBIT NUMBERS

Addendum 1 provides the heading that shall be used on all papers filed in the contested case. See SO ¶ 106.1.1.

The range of exhibit numbers is assigned as follows (Bd.R. 154(c)(1); SO ¶ 154.2.1):

University: 1001-1999.

Center: 2001-2999.

H. ORDER FORM FOR REQUESTING FILE COPIES

When requesting copies of files, use of Addendum 2 (SO Form 4) will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

Attachment: None.³

Enclosure: Copy of Standing Order (Paper 2)

cc:

Angela Dallas Sebor, Sheridan Ross P.C., Denver, Colorado

Robert Brouillette, Ronald S. Kosie, Gaetan Prince, and Claude Fournier,
Brouillette Kosie Prince, Montreal, Quebec, Canada

³ For a United States patent or published application listed in this paper, see <http://patft.uspto.gov/>; see also <http://portal.uspto.gov/external/portal/pair> for prosecution histories available to the public.

ADDENDUM 1: PAPER HEADING

Filed on behalf of: [Name of Party] Paper No. [Leave blank]

By: [Name of lead counsel]
Name of backup counsel
Street address
City, State, and ZIP Code
Tel:
Fax:

]

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TITLE OF PAPER

ADDENDUM 2: FILE COPY REQUEST
Patent Interference No. 105,641

Attach a copy of sections E and F of this declaration to this request.
On the copy, circle each patent and application that you are requesting.
Include the following information to facilitate processing of this request:

1. Charge fees to USPTO Deposit Account No. _____

2. Complete address, including street, city, state, ZIP code, and
telephone number:

3. Telephone, including area code:
